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In re Patent Application of

Maertens et al.

Atty. Ref.: 2551-109; Confirmation No. 3515

Appl. No. 09/899,303

TC/A.U. 1648

Filed: July 6, 2001

Examiner: Li, Bao Q.

For: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND
THERAPEUTIC USE

* * * * *

March 30, 2005

Mail Stop 16

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REFUND REQUEST

Refund of the \$1020 three month extension fee (code 1253) charged to the undersigned's Deposit Account 14-1140 on February 1, 2005, is requested.

Refund of the \$1020 to the undersigned's Deposit Account No. 14-1140 is requested.

The Office issued a final rejection mailed June 30, 2004, to which the applicants responded within two months from the mailing date, i.e., on August 30, 2004, such that

"[in the event] the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period [i.e., by September 30, 2004], then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action." See, page 7 of the Office Action dated June 30, 2004.

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Maertens et al.
Appl. No. 09/899,303
March 30, 2005

To date, there has not been an Advisory Action issued in response to either the Amendment of August 30, 2004 or the Second Amendment filed October 27, 2004. The undersigned has made numerous attempts by telephone to urge the Examiner to act on this finally rejected application.

As an Advisory Action was not mailed prior to the end of the three month shortened statutory period, and has not yet been mailed, a three month extension fee charged to the undersigned's Deposit Account 14-1140 on February 1, 2005, should not be required. Refund of the same is requested along with an allowance from the Examiner.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

B. J. Sadoff
Reg. No. 36,663

BJS:
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



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Page**Deposit Account Statement**

Requested Statement Month: February 2005
 Deposit Account Number: 141140
 Name: NIXON & VANDERHYE P.C.
 Attention: LENARD MITCHARD
 Address: 1100 N GLEBE ROAD
 City: ARLINGTON
 State: VA
 Zip: 22201-4714

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

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In re Patent Application of

Atty Dkt.: 2551-109

Maertens et al.

C# M#

TC/A.U.: 1648

Serial No. 09/899,303

Examiner: Li, Bao Q.

Filed: July 6, 2001

Date: December 30, 2004

Title: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND THERAPEUTIC USE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

☐ Correspondence Address Indication Form Attached.

☒ **NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s). (\$ 500.00)

\$ 500.00

☐ An appeal BRIEF is attached in the pending appeal of the above-identified application (\$ 500.00)

\$

☒ Credit for fees paid in prior appeal without decision on merits

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As the original response to the Office Action of June 30, 2004 was filed within two months of the mailing of the Office Action (i.e., on Monday, August 30, 2004) and an Advisory Action has not yet issued, further extension fees are not believed to be required. See, page 7 of the Office Action dated June 30, 2004

(no fee)

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$120.00/1 month; \$450.00/2 months; \$1020.00/3 months; \$1590.00/4 months)

\$

SUBTOTAL \$ 500.00

☐ Applicant claims "Small entity" status, enter 1/2 of subtotal and subtract

-\$ ()

☐ "Small entity" statement attached.

SUBTOTAL \$ 500.00

Less month extension previously paid on

-\$ (0.00)

TOTAL FEE ENCLOSED \$ 500.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
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BJS:

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

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Adjustment date: 05/24/2005 SDIRETA1
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